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RUCNDT/USMISSION USUN NEW YORK 2994
RUEHNO/USMISSION USNATO 8616
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RUEHAK/AMEMBASSY ANKARA 5651
RUEHSI/AMEMBASSY TBILISI 8594

C O N F I D E N T I A L SECTION 01 OF 04 STATE 096598

SIPDIS, BELGRADE PASS TO PODGORICA

E.O. 12958: DECL: ASS: 09/09/18

TAGS: EUN PHUM PREL PGOV ZL ZI SO YI TU GG RS

SUBJECT: APPROACHING THE EU IN ADVANCE OF THE SEPTEMBER
15-16 FOREIGN MINISTERS MEETING (GAERC)

¶1. (U) Classified by Bill Lucas, Office Director,
EUR/ERA. Reasons: 1.4(b) and (d).

¶2. (U) This is an action request. See paragraph 14.

¶3. (SBU) Summary: EU Foreign Ministers will hold their next General Affairs and External Relations Council (GAERC) meeting in Brussels on September 15-16. We expect the formal agenda to include: Zimbabwe, Somalia, Serbia, Turkey, and Georgia. A background section covering all of these issues except Georgia is provided prior to a section containing talking points. Georgia will be addressed in a separate cable. Points are to be delivered as soon as possible at the appropriate level to EU members only. Other posts should not/not deliver these points. Posts are requested to include the SIPDIS caption on their response cables and to reference this cable.

BACKGROUND

ZIMBABWE

¶4. (SBU) On July 24, Morgan Tsvangirai, leader of the Movement for Democratic Change (MDC), and Robert Mugabe entered into negotiations mediated by South African President Thabo Mbeki under the auspices of the Southern African Development Community. The talks have since stalled over the central question of the division of executive authority, including control of the security forces. On August 25, the lower house of Parliament selected an MDC speaker, energizing the opposition to continue to hold the line in negotiations. The economic and humanitarian situations remain in flux in Zimbabwe. Since the March 29 national elections, at least 171 people have lost their lives, 30,000 have been driven from their homes, and hundreds have sought medical attention because of political violence. Hyperinflation and a crumbling economy, fueled by the regime's unwillingness to follow rudimentary financial protocols and practices, have put Zimbabwe on the brink of complete collapse. Prior to the June 27 runoff presidential election, the Mugabe regime also suspended activities of many NGOs, compounding an already delicate humanitarian situation; on August 29, the regime announced a lifting of the ban, but imposed new

administrative requirements that could still impede delivery of aid.

SOMALIA

¶5. (C) The U.S. and several Allies are engaged in looking at, both bilaterally and in EU and NATO frameworks, possible naval responses to the recent sharp increase in pirate attacks off Somalia and in the Gulf of Aden. In June, the UN Security Council passed resolution 1816, which expires in December, calling upon states and organizations to use any assets to repress piracy in the area. In light of the current situation, the EU is examining the possibilities for deploying an ESDP maritime anti-piracy presence off of Somalia to deter these attacks.

SERBIA

¶6. (SBU) On August 15, the Government of Serbia formally submitted to the UN General Assembly a request to seek an International Court of Justice (ICJ) advisory opinion on the legality of Kosovo's February 2008 declaration of independence. State 91908 provided "if asked" guidance on our ICJ strategy and pulsed capitals for potential voting trends; initial results indicate widespread ambivalence. Although the advisory opinion would not be

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legally binding, its impact is likely to be substantial. Once the matter is referred to the ICJ, the Court could take many months to issue its opinion. During the interim, states and institutions may hesitate to recognize Kosovo or move forward with cooperation on Kosovo. Uncertainty also risks undermining the effectiveness of the Government of Kosovo (GoK) as well as international missions on the ground in Kosovo which, in turn, could encourage extremists on both sides. Furthermore, the Court's advisory opinion could have an adverse impact beyond the Kosovo question and create uncertainty in other states where secession and territorial integrity are under debate.

¶7. (U) Serbian President Tadic, accompanied by PM Cvetkovic and FM Jeremic, met with European Commission President Barroso and High Representative Solana in Brussels on September 3. Speaking afterwards, President Barroso stated it was "possible" that Serbia could get EU candidate status in 2009 if all requirements were met. President Tadic stressed Serbia's determination to do everything possible to speed up the process and expressed hope for a positive report from ICTY Chief Prosecutor Brammertz following his September 10-11 visit to Belgrade.

¶8. (SBU) Over 300 EULEX personnel are now deployed in Kosovo. The MOU governing asset-sharing by UNMIK has been signed, and further deployment of EULEX personnel (approximately 80 to 100 per week) is scheduled to re-commence in mid-September. The EULEX presence in northern Kosovo, however, remains nominal at best, and the EU's readiness to fully deploy north of the Ibar River and in other Serb enclaves remains in doubt. UN-EU cooperation on the ground is good, and senior leaders on both sides are confident there will be no security "gaps."

TURKEY

¶9. (SBU) Turkey and the EU signed an Association Agreement in September 1963 aimed at bringing Turkey into the customs union and eventual membership, but the GOT's efforts to join have been stymied by geographic, cultural, and economic differences. The EU and Turkey finally opened negotiations on accession in October 2005. Since then, the EU has been internally deadlocked

over Turkish accession issues by Cyprus, as well as objections by members like France and Austria, who are skeptical whether Turkey belongs in the EU. France is home to the largest Muslim population in the EU (5 million, most of whom are Arab).

¶10. (SBU) In November 2006, the European Commission suspended eight of the 32 Acquis chapters until Turkey meets obligations to open ports in Northern Cyprus to Republic of Cyprus ships and aircraft. Turkey has said it will do so only in conjunction with the EU opening of commercial access for Turkish Cypriot goods and people. To date only one chapter has been provisionally closed (ie. completed).

¶11. (SBU) The Commission's November 2007 accession report on Turkey said the process was "on track" noting free and fair elections in 2007 and urged more rapid political reforms regarding Article 301 of the penal code (insulting Turkishness), religious freedom, and corruption. The Turkish Parliament amended Article 301 on April 30. It was symbolically published in the Official Book on May 9, date of the "Day of Europe" in the 27 EU member states.

GEORGIA

¶12. (SBU) Updated guidance on Georgia following the visit of President Sarkozy, President Barroso, and High Representative Solana to Moscow will be provided Septel.

¶13. (SBU) ACTION REQUEST: Please deliver the following points to the appropriate MFA official(s) as soon as

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possible (in advance of the September 15-16 GAERC).

BEGIN NON-PAPER TEXT

ZIMBABWE

-- We welcome the EU's expansion of its list of targeted sanctions of individuals including Gideon Gono and state-owned enterprises. We urge the EU to consider listing all of the individuals and entities subject to the U.S. Zimbabwe sanctions program. The United States would welcome further information sharing with the EU on this matter.

-- We believe it is important to keep the United Nations focused on Zimbabwe and hope that the UN Assistant Secretary General for Political Affairs Haile Menkerios will brief the UNSC as soon as he returns from his travels to southern Africa. We encourage the EU to support such a briefing and any appropriate follow up UN action.

-- We need your support in urging the AU and UN to work closely with SADC to help the parties reach a political solution in Zimbabwe.

SOMALIA

-- We applaud the EU's intention to launch a naval operation to protect the flow of humanitarian aid and help deter piracy and defend commercial shipping. The EU member states possess sufficient naval forces to deploy and sustain a capable force without detracting from other commitments in the region, so we welcome this mission as a positive step forward for ESDP.

-- We encourage EU planners and decision makers to pursue coordinating the unique assets and capabilities that might be made available to them through the agreed NATO-EU framework.

SERBIA

-- The U.S. is committed to help Serbia move along the path to Euro-Atlantic integration, and we strongly support Serbia's democratic future in Europe. We view the arrest and extradition of Radovan Karadzic in July as a very positive step forward for the Government of Serbia (GoS.) We look to Serbia now to apprehend remaining fugitives Ratko Mladic and Goran Hadzic to close this ugly chapter in the region's history.

-- We have expressed to the GoS our regret at the unhelpful public statements against EULEX by some Serbian leaders and explained that threats, intimidation and violence against EU personnel in Kosovo will have consequences. We have also stressed that EULEX will help ensure the safety of all communities in Kosovo; limiting the EULEX mission can only increase insecurity among Kosovo Serbs.

-- Many in the Kosovo Serb community are ready for dialogue with Pristina but look to Belgrade for a signal. Therefore, some accommodation may be possible if Belgrade is prepared to be constructive. However, we believe any compromise must be acceptable to the GoK and consistent with EULEX's role in implementing the Ahtisaari Plan, and must not harden partition. Accommodation must not come at the cost of EULEX's authority or credibility, especially with the Kosovar Albanian majority.

-- We recognize the need for "technical" discussions with Belgrade over customs and other modalities in supervising northern Kosovo. However, the EU does not need Belgrade's permission to deploy in the north or elsewhere. Any such "approval" by Belgrade would undoubtedly come with unacceptable conditions, such as requiring a new UN Security Council Resolution (UNSCR), permitting ethnic Serbs in the Kosovo Police Service or

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local courts to serve under a separate chain of command, or establishing Serbian rather than Kosovo law in Serb enclaves and the north.

-- Belgrade's proposal of requiring a new UNSCR for EULEX (calling for a "status neutral" EULEX reporting to the UN) is a non-starter. UNSYG Ban welcomed EULEX deployment in his June 22 statement to the UNSC, and no further action is warranted, or feasible.

-- We believe Serbia's pursuit of an ICJ advisory opinion request from the UNGA is counterproductive. It will only delay the inevitable in the region and threatens to muddle Serbia's attempts to move forward on Euro-Atlantic integration. While we are confident that the recognition of Kosovo's independence - and the steps the international community has taken in response - were lawful, we are concerned that a challenge could delay progress on the ground, foster division rather than promote Serbia's and Kosovo's common future within Europe, and cede the discourse to extremists on both sides.

-- Introducing this new element of delay or uncertainty could upset the current balance in the Balkans at this sensitive time. Instead, we wish to encourage both parties to work together to establish practical cooperation and improved relations.

TURKEY

--The United States strongly supports Turkey's candidacy for European Union membership. While this is a decision for the EU to take, we have and will continue to encourage the EU and Turkey to reach this goal.

--Turkish membership in the EU would strengthen our transatlantic community, anchor Turkey to the West, and build bridges between the West and the Islamic world.

--The prospect of EU membership has helped encourage important economic and political reforms in Turkey, and has set a trajectory for still-needed reforms that will bring Turkey fully into line with European standards of democratic governance.

--We recognize that the accession process is lengthy and challenging and that, as part of the accession process, Turkey will also have to normalize relations with Cyprus.

--Turkey also has critical near-term objectives with the EU in the security arena, which remain unfulfilled and affect U.S. interests. Turkey is seeking a greater role in planning ESDP missions, membership in the European Defense Agency, and an EU information-sharing agreement. We continue to urge the EU to work with Turkey to address its concerns, as lack of progress on these issues hinders EU-NATO cooperation on Kosovo and Afghanistan. Likewise, on items where Cyprus has difficulty with NATO cooperation because of Turkish objections, we urge Turkish cooperation with the same objective in mind.

--We note a renewed sense of optimism for the UN settlement process for Cyprus. We strongly support the resumption of full-fledged negotiations between Greek Cypriot and Turkish Cypriot representatives to achieve a bi-zonal, bi-communal federation

END NON-PAPER TEXT
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